

Mary C. Richardson (Bar No. 208586)
Port Attorney
mrichrdson@portoakland.com
Kimberly I. McIntyre (Bar No. 184648)
Deputy Port Attorney
kmcintyre@portoakland.com
PORT OF OAKLAND
530 Water Street
Oakland, California 94607
Tel: (510) 627-1572 / (510) 627-1205

Eugene M. Pak (Bar No. 168699)
epak@fennemorelaw.com
FENNEMORE WENDEL
1111 Broadway, 24th Floor
Oakland, California 94607
Tel: (510) 834-6600 / Fax: (510) 834-1928

Stephen C. Willey (Bar No. 209164)
swilley@fennemorelaw.com
Brandi B. Balanda (*Pro Hac Vice*)
bbalanda@fennemorelaw.com
Christopher J. Lindemeier (*Pro Hac Vice*)
clindemeier@fennemorelaw.com
FENNEMORE CRAIG, P.C.
1425 Fourth Avenue, Suite 800
Seattle, Washington 98101
Tel: (206) 749-0500 / Fax: (206) 749-0500

Attorneys for Defendant and Counterclaimant City of
Oakland, a municipal corporation, acting by and
through its Board of Port Commissioners (Port of
Oakland)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CITY AND COUNTY OF SAN
FRANCISCO,

Plaintiff,

v.

CITY OF OAKLAND AND PORT OF
OAKLAND,

Defendant.

Case No. 3:24-cv-02311-TSH

**DECLARATION OF BRANDI B.
BALANDA**

CITY OF OAKLAND, A MUNICIPAL
CORPORATION, ACTING BY AND
THROUGH ITS BOARD OF PORT
COMMISSIONERS (PORT OF OAKLAND),

Counterclaimant,

v.

CITY AND COUNTY OF SAN
FRANCISCO,

Counterclaim Defendant.

I, Brandi B. Balanda, declare as follow:

1. I am over the age of 18 years old and am competent to testify. I make this declaration based on personal knowledge unless otherwise stated herein. I am a Director at Fennemore Craig, P.C., counsel for the City of Oakland, a Municipal Corporation, acting by and through its Board of Port Commissioners (Port of Oakland).

2. I submit this declaration pursuant to Local Rule 6-2(a) in support of the parties' Stipulation and [Proposed] Order to Enlarge Time for Briefing and to Continue Hearing Regarding Plaintiff's Motion for Preliminary Injunction, filed concurrently herewith ("Stipulation").

3. On September 17, 2024, the City and County of San Francisco (the "City") filed a Motion for Preliminary Injunction against the Port of Oakland and the City of Oakland on September 17, 2024 (ECF No. 35) ("PI Motion").

4. Under LR 7.3(a), the Port of Oakland's Opposition to the City's PI Motion is due on October 1, 2024, and the City's reply is due on October 8, 2024. The hearing is noted for October 24, 2024.

5. Given the volume of materials the City submitted with its PI Motion and nature of the relief the City is seeking in that motion, I asked the City's counsel if they would agree

1 to a modification of the briefing schedule to provide the Port of Oakland with one week of
2 additional time for its briefing, with additional time for the City's reply brief.

3 6. On September 19, 2024, the City and the Port agreed to the following schedule
4 for the City's PI Motion to be set forth in a stipulation to be submitted to the Court:

- 5 • October 8, 2024 – Deadline for the Port of Oakland and City of Oakland's
- 6 Opposition
- 7 • October 22, 2024 – Deadline for the City's Reply
- 8 • November 7, 2024 – Hearing (or the soonest date available)

9 7. As set forth in the Stipulation, there has been one previous time modification in
10 this case: a continuance of the initial case management deadlines for 90 days to conserve
11 judicial resources while the parties participated in settlement discussions to potentially resolve
12 their dispute. (*See* ECF Nos. 31-32.)

13 8. This request does not impact any other case deadlines and no Rule 16
14 Scheduling Order has been issued yet.

15 I declare under penalty of perjury under the laws of the United States of America that
16 the foregoing is true and correct.

17 Executed on this 25th day of September, 2024 at Seattle, Washington.

18
19
20 s/ Brandi B. Balanda
Brandi B. Balanda

CERTIFICATE OF SERVICE

I, Xiaoshi Zhang, hereby certify that on this 25th day of September, 2024, a copy of the foregoing:

DECLARATION OF BRANDI B. BALANDA

was served via ECF, on the following:

David Chiu, City Attorney
Jesse Smith, Chief Asst. City Attorney
Yvonne R. Mere, Chief Deputy City Attorney
Julie Veit, Deputy City Attorney
Christopher Stuart, Deputy City Attorney
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

*Attorneys for Plaintiff and Counterclaim
Defendant City and County of San
Francisco
Tel: (415) 554-4700
cityattorney@sfcityatty.org;
jesse.smith@sfcityatty.org;
yvonne.mere@sfcityatty.org;
juli.veit@sfcityatty.org;
christopher.stuart@sfcityatty.org*

Michael E. Dergosits, Esq.
Igor Shoiket, Esq.
Dergosits & Noah LLP
One Embarcadero Center, Suite 720
San Francisco, CA 94111

*Attorneys for Plaintiff and Counterclaim
Defendant City and County of San
Francisco
Tel: (415) 705-6377
mdergosits@dergnoah.com;
ishoiket@dergnoah.com*

Bobby Ghajar, Esq.
Cooley LLP
1333 2nd Street, Suite 400
Santa Monica, CA 90401

*Attorneys for Plaintiff and Counterclaim
Defendant City and County of San
Francisco
Tel: (310) 883-6400
bghajar@cooley.com*

Judd Lauter, Esq.
John Hemann, Esq.
Cooley LLP
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111

*Attorneys for Plaintiff and Counterclaim
Defendant City and County of San
Francisco
Tel: (415) 693-2000
jlauter@cooley.com
jhemann@cooley.com*

Barbara J. Parker, City Attorney
Maria Bee, Chief Assistant City Attorney
Christina Lum, Deputy City Attorney
One Frank H. Ogawa Plaza, 6th Floor
Oakland, CA 94612

*Attorneys for Defendant City of Oakland
Tel: (510) 238-4483
clum@oaklandcityattorney.org*

s/ Xiaoshi Zhang

Xiaoshi Zhang